IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 21330 of 2004

Between:

G.Rama Subramanian S/o.Sri K.S.Gopala Krishnam
R/o.161,7B Main, KCHS layout Vijayanagar II stage, Banglore -40.

..... PETITIONER

AND

The Regional Transport Officer Mehdipatnam, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the seizure and continued detention of petitioners LMV i.e (TATA Indica) RC bearing registration No.KA03 MA 219 seized under vehicle check report No.485499 dated 12.7.2003 by the respondent in the Regional Transport Officer, Mehadipatnam, Hyderabad as illegal, unjust, arbitrary and unconstitutional in accordance with law and without any jurisdiction, and consequently direct the respondent to release petitioner's LMV (TATA Indica) RC book to petitioner.

Counsel for the Petitioner:MR.VINAY KAMISETTY

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following O R D E R:

(Per the Hon'ble Sri Justice B.Sudershan Reddy)

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

This writ petition is filed against the vehicle check report No.485499, dated 12-07-2003, whereunder, the R.C. book of the petitioner is stated to have been seized by the respondent.

In our considered opinion, the writ petition is totally misconceived. It is not possible for this Court to judicially review the very check report. The petitioner, in law, is required to file an application in accordance with the Rules along with the deposit of necessary fee for the consideration of the respondent herein. The issues raised in the writ petition are not ***res integra,*** but squarely covered by the decision of this Court in ***Saleem Tours and Travels v.Joint Transport Commissioner and Secretary, RTA, Hyderabad and another.***

Following the said decision, this writ petition is disposed of leaving it open to the petitioner to file an appropriate application in accordance with law, which shall duly be considered by the respondent herein for taking an appropriate decision, within three days from the date of filing of such application. No order as to costs.

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(B. Sudershan Reddy,J)

Date:22nd November, 2004.

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(T.Ch.Surya Rao, J)

Note:Issue C.C in two days

b/o

vrn/ks

To

1. The Regional Transport Officer Mehdipatnam, Hyderabad.
2. Two C.Cs to the G.P. for Transport, High Court Buildings, A.P., Hyderabad (OUT)
3. Two C.D copies.